



PLANNING COMMISSION AGENDA

Wednesday, August 9, 2006

4:45 p.m. PBCE Director recruitment discussion with Human Resources

Room # W-120

5:00 p.m. STUDY SESSION: Joint session with Parks Commission

Room # W-120

6:30 p.m. Regular Meeting
Wing rooms: W-118, W-119 and W-120
City Hall

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Dang T. Pham Bob Dhillon
Christopher Platten
Ash Kalra Matt Kamkar

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, August 9, 2006**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

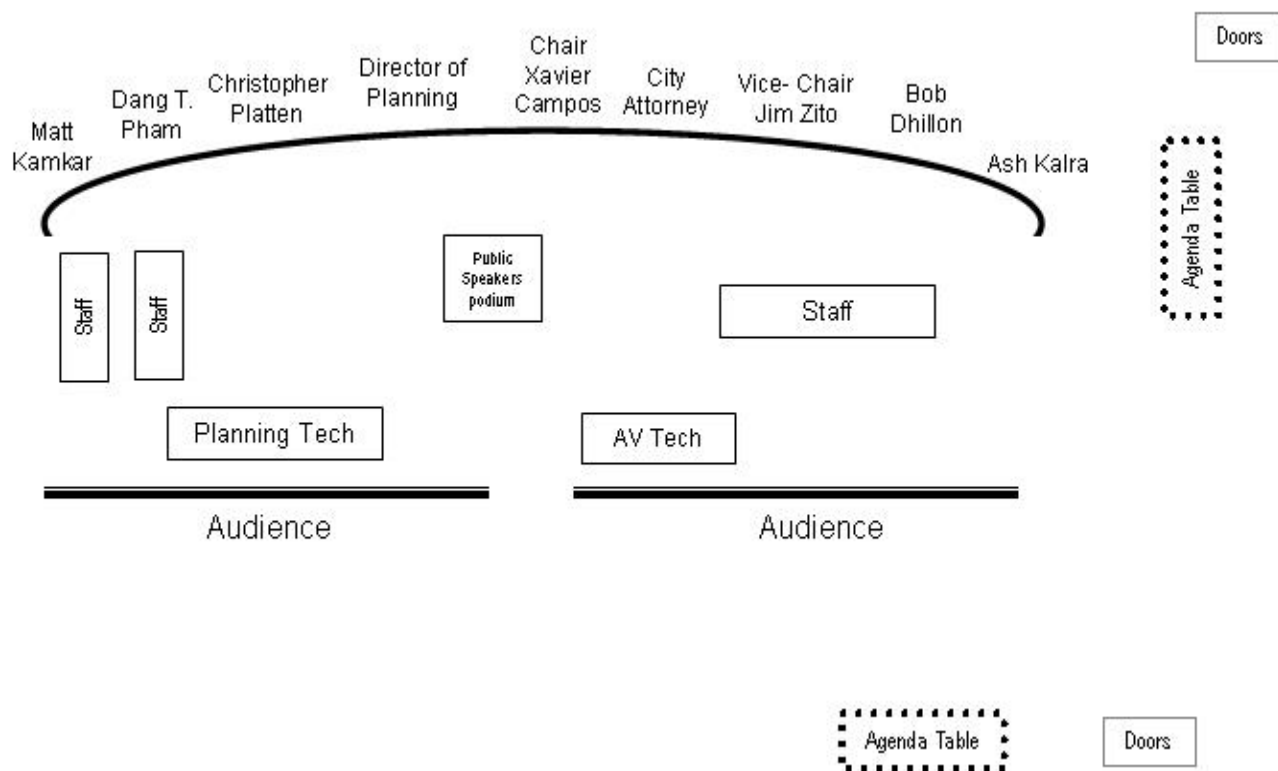
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP03-010**. COMPLIANCE HEARING to assess the compliance of the Fiesta Nightclub with the previous conditions of approval and to impose new conditions or restrictions as deemed appropriate for the previously approved Conditional Use Permit, file number CP03-010, which allowed an entertainment/ drinking establishment and operation after midnight on a 2.16 gross acre site in the CN Neighborhood Commercial Zoning District, located at/on the northeast corner Monterey Road and Rancho Drive (3844 MONTEREY RD) (HAWARI DERAR AND RABAB, HAWARI ALEX, Owner; FIESTA CLUB MIGUEL SANDOVAL, Developer). Council District 7. SNI: None. CEQA: Addendum to ND.

DEFER TO 8-23-06

- b. **PDC06-034**. Planned Development Rezoning from the current A(PD) Planned Development Zoning District which allows up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space site to a new A(PD) Planned Development Zoning District to modify the previously approved General Development Standards to allow (1) a reduction in setbacks, (2) to allow inclusion of detached units, and (3) to modify public park requirements on a 29.5-acre site located at the southwest corner of Monterey Road and Goble Lane. (2745 Monterey Road) (ROEM Development Corporation, Owner/Developer). Council District 7. SNI: None. CEQA: Goble Lane EIR Resolution No.72877, File No. PDC02-066.

DEFER TO 9-13-06

- c. The projects being considered are located on west side of Bird Ave, approximately 800 feet southerly of Willow Street (1215 Bird Avenue) (Arlotta Anthony A, Owner). Council District 6. SNI: None. CEQA: Exempt.
1. **CP06-031**. Conditional Use Permit to allow the conversion of 12 apartments to residential condominiums on a 0.46 gross acre site in the R-M Multiple Residence Zoning District.

DEFER TO 8-23-06

2. **T06-034**. Tentative Map to reconfigure one parcel for 12 condominium units on a 0.46 gross acre site

DEFER TO 8-23-06

- d. [An Ordinance amending Title 21](#) of the San Jose Municipal Code, the Zoning Code, to add a new section and amending section 21.06.030 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. CEQA: Not a Project.

DEFER TO 8-23-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [C05-120](#). Conventional Rezoning from LI Light Industrial and A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on an approximately 6.0 gross acre site, located at the northeast corner of Old Tully Road and Monterey Highway (2300 Monterey Road) (Canned Foods Inc., Owner). Council District 7. SNI: None. CEQA: Use of San Jose 2020 EIR.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Conventional Rezoning from LI Light Industrial and A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses as recommended by Staff.

- b. [CP06-033](#). Conditional Use Permit to allow post-secondary school use in an approximately 12,336 square foot tenant space (part of an existing 54,524 square foot office/industrial building) on a 2.88 gross acres site in the IP Industrial Park Zoning District, located at the northeast corner of Concourse Drive and Lundy Avenue (2160 LUNDY AV)(Jel Partners Lp, Owner). Council District 4. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow post-secondary school use in an approximately 12,336 square foot tenant space as recommended by Staff.

The following items are considered individually.

4. **PUBLIC HEARINGS**

- a. **An Ordinance amending Title 20** of the San Jose Municipal Code, the Zoning Code, to expand the Director of Planning's authority to approve term extensions for development permits allowing office uses in the Downtown Zoning Districts. CEQA: EIR Resolution No. 72767.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code as recommended by Staff.

- b. The projects being considered are located on the south side of Paula Street, approximately 160 feet easterly of Meridian Way. Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
 1. **PDC05-106**. Planned Development Prezoning from Unincorporated County to the A(PD) Planned Development District to allow up to 15 single-family attached residences on a .69 gross acre site (1088 Paula Street, Rockwell Homes, Michael Abdollahi, Owner).

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Prezoning from Unincorporated County to the A(PD) Planned Development District to allow up to 15 single-family attached residences as recommended by Staff.

2. **C06-036**. STAFF INITIATED Prezoning from unincorporated County to R-1-8 Single Family Residence Zoning District to allow single-family detached residential use on a 0.21 gross acre site (806 Meridian Way) (Tina Nga Tran & Andy Nguyen, Owner).

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of STAFF INITIATED Prezoning from County to R-1-8 Single Family Residence Zoning District to allow single-family detached residential use as recommended by Staff.

- c. **SF05-037**. APPEAL of the Planning Director's decision to approve a Single Family House Permit to allow a two-story addition consisting of approximately 1,327 square feet to an existing single family detached residence, in the R-2 Two-Family Residence Zoning District, located at/on the north side of E. St. James Street approximately 50 feet west of N. 19th Street (891 E ST JAMES ST) (MUNOZ ZARAGOZA P AND OUIDA M, Owner). Council District 3. SNI: N/A. CEQA: Exempt.

Staff Recommendation:

Uphold Director's decision to approve a Single Family House Permit to allow a two-story addition containing approximately 1,327 square feet to an existing single family detached residence as recommended by Staff.

- d. [PDC05-013](#). Planned Development Rezoning from R-1-8 Residence Zoning District to CP(PD) Commercial Pedestrian Planned Development Zoning District to allow up to 48,191 square feet for commercial uses and up to 14 single-family attached residences on a 0.618 gross acre site, located on the east side of South King Road, 300 feet northerly of East San Antonio Street (150 S KING RD) (Nguyen Tam T and Toan A, Owner). Council District 5. SNI: Mayfair. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from R-1-8 Residence Zoning District to CP(PD) Commercial Pedestrian Planned Development Zoning District to allow up to 48,191 square feet for commercial uses and up to 14 single-family attached residences as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Zito)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis

8. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
September 27	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers